IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8737 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HEMCHANDRA SHANTILAL SHAH & 5 - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR PRASHANT G DESAI for Petitioner(s) : 1,MR GM JOSHI for Petitioner(s) : 1,None for Petitioner(s) : None for Petitioner No(s).: for Petitioner(s) : 2 - 6.
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/12/2005

ORAL JUDGMENT

1. In this petition under Article 226 of the Constitution of India, the petitioners who were having hawker license to sell kerosene have challenged the

legality and validity of the letters dated 27.9.95 and 18.7.95 by which the petitioners and other similarly situated persons are restrained from selling kerosene within 500 meters radius of the existing petrol pump.

2. Shri A.S.Asthavadi, learned advocate appearing for Shri P.G.Desai, learned advocate appearing on behalf of the petitioner No.1 has submitted that he has tried to contact the petitioners to know whether those persons are still having the hawker license to sell the kerosene or not, however, he could not get any instruction and therefore, it is requested to dispose of the present Special Civil Application. Even otherwise, considering the purpose and object for which the aforesaid letters are issued it cannot be said that those letters and the policy decisions are in any way arbitrary.

3. Under the circumstances, the present Special Civil Application is dismissed. Rule is discharged.

(M.R.SHAH, J.)

kdc.